

1954

August 17

Mr. Ralph G. Carpenter, 2nd  
Director  
Fish and Game Department  
Concord, New Hampshire

Dear Mr. Carpenter:

You have asked our opinion as to whether New Hampshire residents may "goggle fish" for lobsters, and if so, what type of lobster license should they procure.

R.L. c. 245, as amended, provides in section 44 that no person may take lobsters from waters of New Hampshire unless he is a bona fide resident of the state. However, section 42 provides only that licenses are required by any person who wishes to "place, set, keep, maintain, supervise, lift, raise or draw in," from New Hampshire waters, or aid or assist in so doing, "any pot, trap, worp or any other device used in taking lobsters," without first procuring a special license so to do.

In view of the fact that the license is not required to "take" lobsters unless some device is used in so doing, it is my opinion that no license is required of a resident of this state taking lobsters by hand.

This should not be construed, however, as any indication that all other laws and rules and regulations concerning lobsters are not applicable. This opinion is restricted to the one issue involved, that no license is required to take lobsters by hand.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB,Jr/T

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